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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

FREE SPEECH COALITION, INC., A California
Not-For-Profit Trade Association, On Its Own
Behalf and On Behalf of Its Members,

Plaintiff,

vs.

THE STATE OF UTAH, a body politic; THE
UTAH DEPARTMENT OF COMMERCE, a
department in the executive branch of the State of
Utah; THE DIVISION OF CONSUMER
PROTECTION, an administrative agency in the
Utah Department of Commerce; MARK
SHURTLEFF in his official capacity as Utah
attorney General of the State of Utah;
GRANCINE GIANI, in her official capacity as the
Executive Director of the Utah Department of
Commerce, and in her official capacity as the
Director of the Division of Consumer Protection
in the Utah Department of Commerce,

Defendants.

**MOTION TO DISMISS (CASE OR
CONTROVERSY AND
STANDING)**

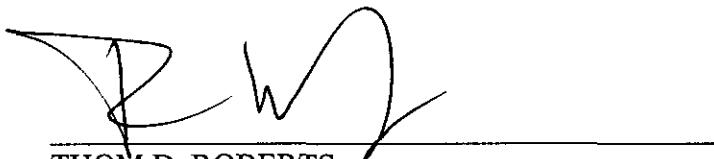
Judge Tena Campbell

Case No. 2:05CV00949

The Defendants by and through their attorney of record, Thom D. Roberts, Assistant Utah Attorney General, hereby move the court for an order dismissing the action against these defendants upon the grounds and for the reasons that the Court lacks jurisdiction and authority to hear this matter, that there is no case or controversy, that the Plaintiff lacks standing to bring this action, that the claim is not justiciable, and as more fully set forth in the Memorandum filed in support hereof.

Dated this 7th day of December, 2005.

MARK L. SHURTLEFF
Attorney General



THOM D. ROBERTS
Assistant Attorney General
Attorneys for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the MOTION TO DISMISS (CASE OR CONTROVERSY AND STANDING) was sent by U.S. Postal Service first class mail, prepaid, and email on this the 7th day of December, 2005.

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